

REMARKS

Claims 1-3, 5, 6, and 12-17 are pending in the present application. All pending claims stand finally rejected. Reexamination and reconsideration of all pending claims are respectfully requested in light of the following remarks.

Claims 1, 3, 5, 6, and 12-17, were rejected under 35 U.S.C. §103 as being unpatentable over Yang et al. (U.S. Patent No. 6,731,674) in view of McDonough (U.S. Patent No. 6,452,959). Applicant respectfully traverses this rejection for the following reasons.

Concerning claim 1, it is asserted in the Office Action that Yang discloses all of the claimed elements except for a first PN sequence generated from equation different from equation used to generate the second PN sequence. McDonough is then asserted as ostensibly teaching a first PN sequence generated based on a first polynomial and a second PN sequence generated based on a second polynomial based on the discussion from col. 12, line 65 to col. 13, line 7 of the reference.

It is first noted that the primary reference Yang actually fails to teach the claimed “first spreader to receive and spread a first pilot data” and “second spreader to receive and spread a second pilot data.” As clearly illustrated in FIG. 14 of Yang, the first spreader 1411 is used to spread pilot and control channel, whereas the second spreader 1413 is used to spread the traffic channel, not second pilot data as required by claim 1. Thus, Yang fails to teach or suggest the elements it has alleged to assert.

Applicant further respectfully submits that McDonough does not in fact teach different equations used to generate first and second PN sequences, which are respectively generated by first and second PN generators as featured in claim 1. Rather, the polynomial equations found in lines 1-6 of col. 13 in McDonough are in-phase (I) and quadrature (Q) sequences that would be used by a single PN generator for generating a single PN sequence compliant with IS-95 standards for a spreader. McDonough does not teach or suggest a second pair of I and Q sequences, different from the disclosed I and Q polynomial sequences in lines 1-5 of col. 6 that would be needed to generate a second, distinct PN

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sequence for a second spreader. This difference is further evinced by two distinct set of polynomial equations found in claims 5 and 6, respectively, as was pointed out in Applicants previous amendment filed April 9, 2008. Accordingly, McDonough fails to teach or suggest the claimed features it has been asserted as teaching. Thus, Applicant respectfully requests reconsideration and withdrawal of the present rejection of claim 1 as the cited references do not teach or suggest all of the elements of this claim, either in combination or taken separately.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed above with respect to claim 1. Accordingly, these claims are believed to be allowable over the cited prior art for at least the same reasons presented above.

Since Applicant submits that independent claims 1, 12, and 15 are allowable in view of the cited references, claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also allowable for at least the same reasons because they include elements not taught or suggested by the cited references, alone or in combination.

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Applicant also hereby requests a one month extension of time, and submits that for those attendant fees due, the Commissioner is hereby authorized to charge those fees, as well as charge any other deficiencies or credit any overpayment to Deposit Account No. 17-0026.

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Respectfully submitted,

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